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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/864,417  | 05/23/2001  | David Chesavage      | 010337              | 3852             |
| 23696   | 7590        | 10/10/2003           | EXAMINER            |                  |
| Qualcomm Incorporated<br>Patents Department<br>5775 Morehouse Drive<br>San Diego, CA 92121-1714 |             |                      | MILLER, BRANDON J   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2683                |                  |

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                  |                  |
|------------------------------|------------------|------------------|
| <b>Office Action Summary</b> | Application No.  | Applicant(s)     |
|                              | 09/864,417       | CHESAVAGE ET AL. |
|                              | Examiner         | Art Unit         |
|                              | Brandon J Miller | 2683             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 August 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Response to Amendment*

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6-7, 9-10, 14-15, 18, 20-21, 24-27, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakakura.

Regarding claim 1 Sakakura teaches a system for maintaining data objects distributed on a network and a network controller coupled to a network and operable to enable data communications including the transmission of a data object update message and a corresponding data object update version sequence number; and a receiver coupled to the network and operable to enable data communications with the network controller, the receiver including a memory for storing a data object based on the data object update message and a

data object update version sequence number and a processor coupled to a memory and operable to include a last received data object update version sequence number in a message to the network computer (see abstract, col. 2, col. 6, lines 56-62, col. 8, lines 37-67, col. 9, lines 1-14 & 23-27 and col. 14, lines 43-47).

Regarding claim 2 Sakakura teaches a memory for storing data object based on a data object update message transmitted to a receiver and a corresponding update sequence number (see abstract, and col. 8, lines 37-67).

Regarding claim 3 Sakakura teaches a memory for storing data object based on the data object update message transmitted to a plurality of receivers that includes the receiver and a corresponding update sequence number (see abstract, col. 6, lines 56-62 and col. 8, lines 37-67).

Regarding claim 4 Sakakura teaches incrementing an update sequence number for each data object update message transmitted to a receiver (see col. 8, lines 55-60 and col. 9, lines 39-44).

Regarding claim 6 Sakakura teaches including the latest received update sequence number in a message to a network controller (see col. 9, lines 1-8 & 39-44).

Regarding claim 7 Sakakura teaches a receiver is a wireless communication device and the network is a wireless network (see col. 6, lines 54-62).

Regarding claim 9 Sakakura teaches discarding messages from a receiver when a receiver's data object update sequence number is less than a last data object update sequence number (see col. 9, lines 59-64).

Regarding claim 10 Sakakura teaches a data object that represents a macro message and

has a data object number (see col. 8, lines 55-60 and col. 14, lines 48-50).

Regarding claim 14 Sakakura teaches a receiver for communicating data signals using a network with a transceiver coupled to the network and operable to receive data communications; a memory coupled to the transceiver for storing data objects and data object message version sequence numbers transmitted from a network controller in a data communication to the receiver; and a processor coupled to the memory and transceiver and operable to include the last received update sequence number in a message to the network controller (see abstract, col. 2, col. 6, lines 56-62, col. 8, lines 37-67, col. 9, lines 1-14 & 23-27 and col. 14, lines 43-47).

Regarding claim 15 Sakakura teaches operable to include a received object sequence number in a message to a network controller (see col. 9, lines 39-44 and col. 14, lines 48-50).

Regarding claim 18 Sakakura teaches receiving a data object update message with a data object update sequence number from a network controller; storing data objects based on the data object update message and transmitting the last received update sequence number in a subsequent message to a network controller (see abstract, col. 2, col. 6, lines 56-62, col. 8, lines 37-67, col. 9, lines 1-14 & 23-27 and col. 14, lines 43-47).

Regarding claim 20 Sakakura teaches maintaining a distributed data system using a network comprising: receiving a message from a receiver, said message comprising an object version sequence number representing a first state of a data object relating to the receiver; comparing a object version sequence number with a local object version sequence number representing a second state of a data object; processing a message in a first manner if object version sequence number is equal to a local object version sequence number and processing a

message in a second manner if object version sequence number is not equal to a local object version sequence number (see col. 9, lines 45-64).

Regarding claim 21 Sakakura teaches processing a message in a first manner according to an update sequence number (see 9, lines 45-64).

Regarding claim 24 Sakakura teaches processing a message in a second manner that comprises ignoring the message (see col. 9, lines 45-64).

Regarding claim 25 Sakakura teaches processing a message comprising transmitting a data object update message with an update sequence number (see col. 9, lines 39-44).

Regarding claim 26 Sakakura teaches transmitting data objects in a second manner to a receiver (see col. 9, lines 51-54 and FIG. 5).

Regarding claim 27 Sakakura teaches comparing an object update sequence number with a local object update sequence number (see col. 9, lines 45-64).

Regarding claim 31 Sakakura teaches maintaining a distributed data system using a network comprising a database for storing a data object and a corresponding data object version sequence number; a transceiver for sending a data object update message and a corresponding data object version sequence number representing a state of data object and for receiving a message from a remote receiver comprising a data object version sequence number representing a state of a data object associated with the receiver; and a processor for comparing a received object version sequence number with a data object version sequence number stored with a database, and further for processing a message received from a remote receiver in a first manner if it matches a data object version sequence number stored and processing a message received from a remote receiver in a second manner if a data object

version sequence number is not match a data object version sequence number stored (see abstract, col. 2, col. 6, lines 56-62, col. 8, lines 37-67, col. 9, lines 1-5 & 59-64 and col. 14, lines 43-47).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, 11-13, 16-17, 19, 22-23, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakura in view of LaDue.

Regarding claim 5 Sakakura teaches a device as recited in claim 1 except for data object represented in an encoded message. LaDue teaches a data object represented in an encoded message (see abstract and col. 30, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the Sakakura adapt to include data object represented in an encoded message because this would allow for the transmission of application specific data using manipulated data.

Regarding claim 8 LaDue teaches decoding a message from a receiver, where the message references a data object (see abstract and col. 30, lines 32-37).

Regarding claim 11 Sakakura teaches transmitting a data object version number to represent a message (see col. 9, lines 39-44). LaDue teaches an encoded message (see abstract and col. 30, lines 32-37).

Regarding claim 12 Sakakura teaches transmitting a data object version number to

represent a message in a message network controller (see col. 9, lines 39-44). LaDue teaches decoding an encoded message (see abstract and col. 30, lines 32-37).

Regarding claim 13 Sakakura teaches sending data object update messages and corresponding data object update sequence number to the receiver based on an update sequence number included in a message from a receiver (see col. 9, lines 39-44).

Regarding claim 16 LaDue teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 17 Sakakura teaches using a data object number in a message to a network controller to identify a version of date message (see abstract and col. 8, lines 40-48). LaDue teaches an encoded message (see abstract and col. 30, lines 32-37).

Regarding claim 19 LaDue teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 22 LaDue teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Regarding claim 23 LaDue teaches a decoded macro message to a dispatch station (see abstract, col. 21, lines 1-5, and col. 28, lines 55-62).

Regarding claim 28 Sakakura teaches comparing an update version sequence number with an identifier (see col. 9, lines 45-64). LaDue teaches performing data operations at a dispatch station (see col. 12, lines 1-5 and col. 28, lines 55-62).

Regarding claim 29 LaDue teaches a device as recited in claim 23 and is rejected given the same reasoning as above.

Regarding claim 30 LaDue teaches a device as recited in claim 23 and is rejected given

the same reasoning as above.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kumar WO 00/62495 discloses a method of multicast file distribution and synchronization.

Yamagishi EP 0 876 029 A2 discloses a transmission system and transmission method, and reception system and reception method.

Yanaka U.S. Patent discloses a distributed database system and method of detecting contention in data update involved in replication of database data.

Kampe U.S. Patent discloses reliably updating an information service message.

***Response to Arguments***

Applicant's arguments filed 8/01/03 have been fully considered but they are not persuasive. Regarding independent claims 1, 14, and 18 Sakakura teaches a last received log (version) number corresponding to an update data store that is transmitted in an update message (see col. 8, lines 43-46 & 51-60 and col. 9, lines 1-14 & 23-27), this relates to applicant's claimed definition of a receiver operable to include "a last received data OVSN in a message".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a mobile terminal transmitting a last received version number from the mobile terminal back to the network controller") are not recited in the rejected independent claims 20 and 31. Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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October 6, 2003



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